



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/622,146	01/02/2001	Rolando Barbucci	515-4204	8284

7590 05/19/2004

James V Costigan
Hedman Gibson & Costigan
1185 Avenue of the Americas
New York, NY 10036-2601

EXAMINER

SERGEANT, RABON A

ART UNIT	PAPER NUMBER
----------	--------------

1711

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

JRC
UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address : COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT	PAPER
----------	-------

051404

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The reply filed on February 17, 2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Despite applicants' response, the amendment is nonresponsive and fails to comply with the provisions of 37 CFR 1.121. Firstly, applicants' status identifiers are incorrect, in that "previously amended" and "previously added" are not accepted status identifiers. The only identifiers that are proper are "original", "currently amended", "canceled", "withdrawn", "new", "previously presented", and "not entered". Secondly, applicants have identified claim 30 as being "previously added" and have specified deletions within the claim; however, only "currently amended" claims may set forth additions or deletions. Other claims must be set forth in clean form. Thirdly, the claims continue to contain amendments that have not been delineated in accordance with 37 CFR 1.121; for example, the changes to claim 23 regarding the A and B components being acids or derivatives have not been identified in accordance with the rule. Fourthly, throughout the claims, applicants have failed to maintain the distinction between hyaluronic acid and hyaluronic acid derivatives. The two terms are not equivalent; however, the claims are replete with references that suggest that the terms are interchangeable. The examiner addressed this issue within paragraph 3 of the Office action of March 20, 2003, and applicants' subsequent amendments have further clouded the issue. Note lines 2 and 3 of claim 5. Note the definition of Hsulph within claim 6 (claim 1 provides only for the acid derivative)(see claim 25 for a similar situation). Note lines 2-5 of claim 20. Note lines 2-5 of claim 23. Lastly, the position is maintained that applicants have reintroduced an issue previously resolved during examination. Specifically, claims 35 and 36 are drawn to articles or devices "made with" the haemocompatible material; however, as previously pointed out within paragraph 5 of the Office action of April 3, 2001, applicants have failed to teach how to make artificial kidneys, hearts, pancreas, and livers. It is not seen that applicants' response addresses this issue. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication should be directed to R. Sergeant at telephone number (571) 272-1079.

R. Sergeant
May 14, 2004

Rabon Sergeant
Primary Examiner
Art Unit: 1711